



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

RODNEY DELEVICCIHO CARTER

PLAINTIFF

VS.

CIVIL ACTION NO.3:07cv145-DPJ-JCS

GARY REACH

DEFENDANTS

ORDER

This cause is before the court on numerous motions filed by Plaintiff. Having considered the motions and responses, the court rules as follows.

Plaintiff's "Motion to Compel Compliance with Court's Orders" [61] is denied, as Defendant has fully complied with this court's previous orders concerning production of documents.

Plaintiff's "Motion to Subpoena Medical Records" [65] concerns his attempts to obtain his medical records from the Hinds County Detention Center. Previously, the Clerk issued a subpoena for these documents and mailed it to Plaintiff for service. Although Plaintiff states in the present motion that he served the subpoena, no proof of service has been filed with the Clerk. Without a valid return showing that the subpoena was served in compliance with Rule 45 of the Federal Rules of Civil Procedure, the court cannot enforce the subpoena. The court will, however, grant Plaintiff's motion to issue another subpoena. The Clerk is hereby directed to issue a second subpoena, identical to the one previously issued on August 22, 2008, and to mail the issued subpoena to Plaintiff. Plaintiff shall have ten days from issuance of the subpoena in which to file a return

showing that it has been served in compliance with Rule 45.¹

Plaintiff's "Motion to Compel Compliance with Clinton Police Dept. Police Cruiser ID #337 Serveillance Video Recording" [66] is denied at this time. However, Defendant is directed to file with the court, within ten days of entry of this order, a statement as to efforts to determine whether such a video exists and, if so, his efforts to locate it. Defendant shall thereafter provide a copy to Plaintiff and to court if the video is located.

Plaintiff's "Amend to Motion to Compel Clinton Police Department" [67] does not request any specific relief. Accordingly, it is hereby terminated as a pending motion.

SO ORDERED this the 27th day of May, 2009.

/s/ James C. Sumner

UNITED STATES MAGISTRATE JUDGE

¹The court would point out to Plaintiff that Rule 45 requires that the subpoena be served in person by an individual, other than himself, who is at least 18 years of age, and that the process server certify the return.